Listing of Claims

1-42. (Cancelled)

43. (currently amended) A method of treating a metastatic tumor which occurs in but does not originate from the central nervous system of a human comprising intratumoral or intracranial injection of an avirulent herpes simplex virus type 1 (HSV-1), said avirulent HSV-1 consisting of an HSV-1 genome which is modified in respect of the wild-type by a modification to the HSV-1 genome wherein such modification consists of a mutation in the γ34.5 gene so as to become a non-functional γ34.5 gene, wherein the avirulent HSV-1 infects, ~~and~~ replicates within, and lyses the tumor cells of the tumor.

44. (previously presented) A method according to claim 43 wherein the metastatic tumor occurs in the brain.

45. (previously presented) A method according to claim 44 wherein the metastatic tumor is a metastasized melanoma.

46. (Cancelled)

47. (currently amended) A method according to claim 43 wherein said modified virus is a herpes simplex virus type 1 which has been modified by deletion within the BamHI s restriction fragment of the R_L terminal repeat.

48-50. (Cancelled)

51. (previously presented) A method according to claim 43 wherein the mutant virus is strain 1716.

52-58. (Cancelled)

59. (currently amended) A method of treating a metastatic tumor which occurs in but does not originate from the central nervous system of a human comprising intratumoral or intracranial injection of an avirulent mutant herpes simplex virus type 1 (HSV-1), wherein the mutation consists of a modified, mutated and therefore non-functional γ34.5 gene, and wherein the avirulent HSV-1 infects, ~~and~~ replicates within, and lyses the tumor cells of the tumor.

60. (new) A method of treating a metastatic tumor which occurs in but does not originate from the central nervous system of a human comprising intratumoral or intracranial injection of HSV1716, wherein the HSV1716 infects, replicates within, and lyses the tumor cells of the tumor.

61. (new) A method of treating a metastatic tumor which occurs in but does not originate from the central nervous system of a human comprising intratumoral or intracranial injection of HSV1716, wherein the HSV1716 infects, replicates within, and lyses the tumor cells of the tumor.